

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AVRAHAM MILLER,

Plaintiff,

- against -

EAST MIDWOOD HEBREW DAY SCHOOL,

Defendant.
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: **MEMORANDUM DECISION
AND ORDER**

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: 19-CV-5580 (AMD) (LB)

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ANN M. DONNELLY, United States District Judge:

On October 2, 2019, the plaintiff brought this action against the defendant, alleging that the defendant discriminated against him based on his disability and failed to accommodate him in violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, the New York State Human Rights Law (“NYSHRL”), NY Exec. Law § 291, and the New York City Human Rights Law (“NYCHRL”), NYC Admin. Code § 8-101. (ECF No. 1.) On June 12, 2020, the plaintiff moved for default judgment, and requested backpay, punitive and emotional distress damages, and attorney’s fees. (ECF No. 9.) I referred the plaintiff’s motion to Magistrate Judge James Orenstein on June 15, 2020. The case was reassigned to Magistrate Judge Lois Bloom on November 16, 2020.

Judge Bloom issued a Report and Recommendation on February 15, 2021, in which she recommends that the plaintiff’s motion be granted in part. (ECF No. 16 at 1.) Judge Bloom recommends that the motion for default judgment be granted. She also recommends that the plaintiff be awarded \$8,076.92 in backpay, \$8,950 in attorney’s fees and \$400 in costs. (*Id.* at 13, 19.) Judge Bloom recommends that I deny the plaintiff’s request for punitive damages because the plaintiff did not establish that the defendant “willfully, wantonly, negligently,

recklessly, or consciously disregarded the rights of other or engaged in conduct so reckless as to amount to such disregard.” (*Id.* at 16.) She also denied the plaintiff’s request for emotional distress damages, but explained that he could request an inquest to establish damages. Neither party has filed an objection to the Report and Recommendation and the time to do so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Judge Bloom’s thorough and well-reasoned Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The plaintiff’s motion for default judgment is granted. He is awarded \$8,076.92 in backpay. The plaintiff’s request for punitive damages is denied, as is his request for emotional distress damages; he may, however, request an inquest to establish emotional distress damages. The plaintiff is also awarded \$8,950 in attorney’s fees and \$400 in costs. The Clerk of Court is respectfully directed to enter judgment in favor of the plaintiff and close this case.

SO ORDERED.

s/Ann M. Donnelly
ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 15, 2021